

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 5456 (S/S) 2001

(Old no. 909 of 1996)

Kendriya Bhumi Evam Jal Sanrakshan
Anusandhan Evam Prashikshan Sansthan,
“Chaturth Shreni Karmchari Sangh”
Prachhetra Selakui, Dehradun,
Through its General Secretary
Ramesh Kumar Ramola S/o Sri Megha Singh,
R/o village Dhulkot, P.S. Selakui, Dehradun. Petitioner.

Versus

1. Union of India,
2. The Director Central Soil and Water Conservation,
Research and Training Institute,
218 Kolagarh Road, Dehradun. Respondents.

Sri M.C. Pant and Sri D.S. Mehta, learned counsel for the petitioner,
Sri Vikas Pandey, learned Standing Counsel for the respondents.

Hon’ble M.M.Ghildiyal, J.

Heard Sri D.S. Mehta, Adv. holding brief of Sri M.C. Pant,
learned counsel for the petitioner and Sri Vikas Pandey, learned
Standing Counsel for Union of India/respondents.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Issue a writ, order or direction in the nature of mandamus direction the respondent no. 2 to decide the petitioners’ member representation dated 04.04.1994,
- ii. Issue a writ, order or direction in the nature of mandamus direction the respondents to pay house rent allowance to the petitioners’ members employed in the office of respondent no.2,

- iii. Issue any other writ, order or direction which this Honb'le court may deem fit and proper in the circumstances of the present case,
- iv. Award cost of petition to the petitioners.

It is contended on behalf of the petitioners that the petitioners' union is a registered trade union of Class-IV employees working in the office of respondent no. 2. Grievances of the petitioners is that the members of the union are not being paid house rent allowance in accordance with the Govt. orders and C.C.A. Rules. For redressal of their grievances, the union has submitted representation before the respondent no. 2 a number of times.

The respondents have filed counter affidavit. In the counter affidavit, the respondents have state that the union with which the petitioners' members are affiliated, is not recognized by the Institution. It is further declined by the respondents that there are 100 Class – IV employees working with the Institution, on the contrary, it is admitted by the respondents that only 44 Class IV employees are working in the main office. It is further submitted by the respondents that the eligible Class –IV employees are being paid HRA at the rate admissible to unclassified cities. The matter regarding payment of HRA/HCA at the rates applicable to Class 'C' cities is still under correspondence with headquarters of the Institution of Indian council of Agricultural Research, New Delhi.

Since the writ petition has been filed by the members of such union, which is not recognized by the respondents, the petition, therefore, is not maintainable. However, if any Class-IV employee of the Institution is aggrieved by the action of the

respondents in declining him payment of HRA at the rate applicable to class 'C' cities, he may make representation before the authority concerned and it is expected from the authority concerned that he will take decision on the representation of the employee working in the Institution within a reasonable period.

The writ petition is not maintainable being filed by the union which is unrecognized. Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 9, 2007:

NCM: